



CJ15-2664
B. Jones

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

EILEEN E. HINES,

Plaintiff,

v.

INTEGRIS BAPTIST MEDICAL CENTER.,

Defendant.

Case No.

CJ-2015 - 2664

PETITION

COMES NOW, the Plaintiff, above-named, (hereinafter "Plaintiff"), by and through her attorneys of record, E. Ed Bonzie P.C. and for this his Petition against the Defendant herein, Integris Baptist Medical Center ("Defendant" or "Integris") alleges and states as follows:

JURISDICTION

1. Jurisdiction is invoked pursuant to the Oklahoma Anti-Retaliation Act, 85 O.S. § 341 (E) et seq.; and jurisdiction is proper as Plaintiff alleges a wrongful discharge because of his disability in violation of Oklahoma Anti-Retaliation Act pursuant to *85 O.S. sec. 341 (E)*. Further, the Court has jurisdiction over the claims by Plaintiff that the Defendant violated his rights under the Americans With Disabilities Act as amended (ADAAA).

2. Plaintiff timely filed his charges of discrimination based on disability with the EEOC. The EEOC issued Plaintiff a Notice of Rights dated June 24th, 2014 . Plaintiff has exhausted his administrative remedies, has received his right-to-sue, and timely filed this action.

3. In addition, this filing with EEOC (concurrent with the Attorney General's Office) satisfies her exhaustion of remedies requirement, if any, for her claim of an ADAAA, AGE ,and



any other related Oklahoma statutes codified in the Oklahoma Anti-Retaliation Act (Oklahoma Anti-Retaliation Act, 85 O.S. § 341(E) et seq. Plaintiff also brings her lawsuit under the Family Medical Leave Act (FMLA) - 29 CFR § 825.601(b).

VENUE

4. All actions about which plaintiff complains occurred in the County of Oklahoma, State of Oklahoma; therefore, this Court is the appropriate venue for these complaints of plaintiff.

DAMAGES

5. This action seeks declaratory, injunctive and equitable relief, actual damages against Defendant, compensatory damages against Defendant, punitive damages, and costs and attorney's fees for the deprivation of plaintiffs' federal and state rights to fair employment .

PARTIES

6. Defendant Integris ("Integris") is a domestic corporation licensed to do business in the State of Oklahoma.

7. Plaintiff is a former Health Unit Coordinator employed by the Defendant in its Oklahoma City, Oklahoma office.

FACTS COMMON TO ALL CLAIMS

8. Defendant was aware Plaintiff sustained an on-the-job injury prior to June 16, 2014 when she was discharged from her employment.

9. As a result of his medical condition causing Plaintiff to have surgery, Defendant terminated him from employment on June 16, 2014 - because of her limitations and restrictions as a result of his injuries.

10. Plaintiff was a qualified individual with a disability, as defined by the ADAAA, and over fifty (50) years old, and the Oklahoma Anti-Retaliation Act.

11. In the alternative, Plaintiff alleges Defendant regarded her as having a disability and therefore she was a disabled person within the meaning of the ADAAA and the Oklahoma Anti-Retaliation Act.

12. Defendant told Plaintiff that Plaintiff's medical condition was a motivating factor in its decision to terminate her employment. Plaintiff had applied for an approval for a FMLA, and had been approved when she was terminated.

COUNT I
[ADAAA]

For this, the first count of her Petition, the Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

13. Plaintiff alleges her termination by Defendant was motivated by its intent to replace her with an employee who did not have a disability they would have to accommodate or by not allowing her adequate medical leave time in accommodation for her disability. said intent being in violation of the ADAAA,

14. As the direct and proximate result of Defendant's actions, Plaintiff has suffered lost earnings, past and present, embarrassment, humiliation, worry and stress.

15. The actions of the Defendant were willful and intentional and either malicious or in reckless disregard of Plaintiff's rights.

16. Plaintiff was injured by this violation and is entitled to compensatory damages as set out above, punitive damages and equitable relief.

COUNT II
[OKLAHOMA ANTI-RETALIATION ACT]

For this, the second count of his Petition, the Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

17. Plaintiff is a disabled person within the meaning of the Oklahoma Workers Compensation Anti-Retaliation Act, being 85 O.S. § 341 et seq.; and, Defendant violated its duty of reasonable accommodation under the Oklahoma law by not allowing him to continue to work within his limitations and restrictions.

18. As the direct and proximate result of Defendant's actions, Plaintiff has suffered lost earnings, past and present, embarrassment, humiliation, worry and stress.

19. The actions of the Defendant were willful and intentional and either malicious or in reckless disregard of Plaintiff's rights.

20. Plaintiff was injured by this violation and is entitled to compensatory damages as set out above, punitive damages and equitable relief.

COUNT III
[Oklahoma Public Policy]

For this, the third count of her Petition, the Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

21. As Plaintiff is a disabled person within the meaning of the Oklahoma Handicap Discrimination Act, Defendant violated Oklahoma Public Policy when it terminated Plaintiff because of his disabling medical condition.

22. The actions of the Defendant were willful and intentional and either malicious or

in reckless disregard of Plaintiff's rights.

23. Plaintiff was injured by this violation and is entitled to compensatory damages as set out above, punitive damages and equitable relief.

COUNT IV
(AGE DISCRIMINATION)

For this the fourth count of her Petition, the Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

24. As Plaintiff is 59 years old, she believes she was treated differently in the handling of her workers' compensation injury because of her Age, Race, and disability because Defendant regarded her as being too old, and disabled to perform her work any longer. Plaintiff believed these factors were the motivating factors in not allowing her equal benefits and privileges of employment in violation of Title VII, ADEA, ADAAA, Section 504 of the federal Rehabilitation Act .

25. Plaintiff believes her age was a factor in the decision to terminate her employment. Plaintiff was performing her job in a satisfactory manner, was a member of the protected class of employees under the ADEA, was terminated and replaced by a significantly younger employee with less experience and qualifications.

COUNT V
(FMLA)

For this the fifth count of her Petition, the Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

26. Plaintiff alleges her termination by Defendant was motivated by its intent to replace her with an employee who did not have a disability they would have to accommodate or

by not allowing her adequate medical leave time in accommodation for her disability. said intent being in violation of the FMLA,

27. As the direct and proximate result of Defendant's actions, Plaintiff has suffered lost earnings, past and present, embarrassment, humiliation, worry and stress.

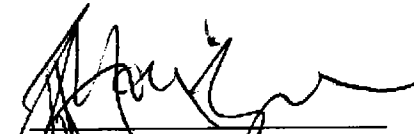
28. The actions of the Defendant were willful and intentional and either malicious or in reckless disregard of Plaintiff's rights.

29. Plaintiff was injured by this violation and is entitled to compensatory damages as set out above, punitive damages and equitable relief.

PRAYER

WHEREFORE, Plaintiff prays that she be awarded her compensatory, liquidated and punitive damages herein together with costs, pre- and post-judgment interest and attorney's fees against the Defendant and any other relief as may be appropriate.

RESPECTFULLY SUBMITTED THIS 21 DAY OF APRIL 2015.



E. Ed Bonzie, OBA #15190
8201 S. Walker

Oklahoma City, OK 73139
Telephone: (405) 631-1021
Facsimile: (405) 616-2488
Attorneys for the Plaintiff